

**BakerHostetler**

**Baker&Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111

T 212.589.4200  
F 212.589.4201  
www.bakerlaw.com

Nicholas J. Cremona  
direct dial: 212.589.4682  
ncremona@bakerlaw.com

February 26, 2019

**VIA ECF AND ELECTRONIC MAIL**

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408  
Bernstein.chambers@nysb.uscourts.gov

*Re: Picard v. Zraick et al.*, Adv. Pro No. 10-05257

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* and the estate of Bernard L. Madoff. We write in response to Defendants’ February 26, 2019 letter requesting a conference pursuant to Local Bankruptcy Rule 7007-1(b) addressing the deposition of Matthew B. Greenblatt.

The Trustee does not object to Mr. Greenblatt’s deposition and was in the process of obtaining available dates from Mr. Greenblatt when defendants filed their letter. As the Court is aware, this adversary proceeding was party to two successive motions filed by the Trustee addressing the threshold question of whether any additional fact discovery was warranted. The Court only recently resolved this issue by authorizing the deposition of an FBI agent concerning his recollection of Madoff’s proffer, and the Trustee is currently in the process of settling appropriate orders in all applicable adversary proceedings, including this one. As part of that effort, the Trustee proposed to defense counsel that the order entered in this case reflect all outstanding discovery: the additional deposition authorized by the Court and the outstanding deposition of Mr. Greenblatt. Upon objection by defense counsel, the Trustee removed from the proposed order any reference to Mr. Greenblatt and intended to provide deposition dates to defense counsel as soon as possible.

The Trustee has since informed defense counsel that Mr. Greenblatt is available to be deposed on March 13, 26, 27, or 28. Accordingly, there is no dispute requiring the Court's intervention and defendants' request should be withdrawn.

Respectfully submitted,

*/s/ Nicholas J. Cremona*

Nicholas J. Cremona  
Partner

cc: Robert A. Rich